

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Facebook pages, DNA, and fingerprints re: Unlawful
Possession of Destructive Devices

Case No. MJ17-325

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachments A-1 to A-4, which are incorporated herein by reference

located in the _____ Western _____ District of _____ Washington _____, there is now concealed (identify the person or describe the property to be seized):

See Attachments B-1 to B-4, which are incorporated herein by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

26 USC 5861(d) and 5845(a) Unlawful Possession of Destructive Devices

The application is based on these facts:

See attached Affidavit of FBI Special Agent Michael Louis Baldino, attached hereto and incorporated herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Michael Louis Baldino, FBI Special Agent
Printed name and title

Sworn to before me pursuant to CrimRule 4.1.

Date: 08/04/2017


Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, United States Magistrate Judge
Printed name and title

ATTACHMENT A-1
Premises To Be Searched

This warrant applies to information associated with Facebook accounts:

- a. www.facebook.com/taylor.brickner.7 (100001219146140); and
- b. www.facebook.com/magichands1312 (100006294034179);

that are stored at a premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California, including, but not limited to, any data that is being preserved pursuant to a preservation letter.

ATTACHMENT B-1
Documents To Be Searched

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A-1 is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

(a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

(b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;

(c) All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;

(d) All Neoprints, including profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

(e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

(f) All "check ins" and other location information;

(g) All IP logs, including all records of the IP addresses that logged into the

account;

(h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked;"

(i) All information about the Facebook pages that the account is or was a "fan" of;

(j) All past and present lists of friends created by the account;

(k) All records of Facebook searches performed by the account;

(l) All information about the user's access and use of Facebook Marketplace;

(m) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);

(n) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

(o) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes evidence, fruits and instrumentalities of violations of Unlawful Possession of Destructive Devices, in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(8), including, for the user ID number identified on Attachment A-1, information pertaining to the following matters:

(a) any and all postings, Wall Posts, private messages, status updates, chat history, friend requests, photographs, graphics, or other information regarding destructive devices, May Day protests, or police officers;

(b) any and all IP logs, including all records of the IP addresses that logged into the account, and the dates and times such logins occurred; and

(c) records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.

ATTACHMENT A-2
Premises To Be Searched

TAYLOR JORDAN BRICKNER, DOB: XX-XX-1993, approximately 5'11" tall
and 140 lbs.

ATTACHMENT B-2
Items To Be Searched

Buccal swabs for DNA analysis in the form of saliva; and major case prints from each finger and the full surface of both hands, including tips, sides, joints of fingers, and palms.

ATTACHMENT A-3
Premises To Be Searched

DEREK A. ZUKOSKI, DOB: XX-XX-1987, approximately 6'00" tall and 240 lbs.

ATTACHMENT B-3
Items To Be Searched

Buccal swabs for DNA analysis in the form of saliva; and major case prints from each finger and the full surface of both hands, including tips, sides, joints of fingers, and palms.

ATTACHMENT A-4
Premises To Be Searched

ASHLEY LYNN WARD, DOB: XX-XX-1994, approximately 5'2" tall, 105 lbs.

ATTACHMENT B-4
Items To Be Searched

Major case prints from each finger and the full surface of both hands, including tips, sides, joints of fingers, and palms.

AFFIDAVIT

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

I, MICHAEL LOUIS BALDINO, a Special Agent with the Federal Bureau of Investigation, Seattle, Washington, having been duly sworn, state as follows:

AFFIANT BACKGROUND

I am a Special Agent (SA) with the Federal Bureau of Investigation and have been since January 2013. Before becoming an FBI agent, I was a professional firefighter, emergency medical and hazardous materials technician with Fairfax County Fire and Rescue Department in Virginia. As an FBI Special Agent, I have investigated, received training and have field experience investigating the diverse criminal violations over which the FBI has jurisdiction, to include domestic and international terrorism, crimes against children, illegal narcotics and other violations of federal statutes. I have acquired knowledge and information about these offenses and the methods by which they are executed, through formal and informal training, other law enforcement officers and investigators, informants, as well as through my participation in other investigations.

As a law enforcement officer, I have participated in the execution of numerous arrest and search warrants, which have resulted in arrests, convictions, and the recovery of evidence and contraband. I am currently assigned to the Seattle Division's Domestic Terrorism Squad on the Joint Terrorism Task Force, which investigates criminal violations relating to incidents of both domestic and international terrorism. I am also currently a member of the FBI's Evidence Response Team (ERT) and have completed specialized training in organizing, conducting, and leading evidence recovery operations to include the processing of complex crime scenes and utilizing forensic evidence collection techniques.

1 The facts in this Affidavit come from my personal observations, my training and
 2 experience, and information obtained from other agents and witnesses. Because this
 3 Affidavit is submitted for the limited purpose of establishing probable cause, it does not
 4 set forth each and every fact that I, or others, have learned during the course of the
 5 investigation.

6 **PURPOSE OF THIS AFFIDAVIT**

7 I submit this affidavit in support of requested warrants authorizing the following:

- 8 a. The search of Facebook page <https://www.facebook.com/taylor.brickner.7>
 9 (100001219146140), used by Taylor Jordan Brickner;
- 10 b. The search of Facebook page <https://www.facebook.com/magichands1312>
 11 (100006294034179), used by Derek A. Zukoski;
- 12 c. The collection of DNA and fingerprints from Taylor Jordan Bricker and
 13 Derek A. Zukoski; and
- 14 d. The collection of fingerprints from Ashley Lynn Ward.

15 **ADOPTION OF PRIOR AFFIDAVIT**

16 On April 27, 2017, I was the affiant on a Criminal Complaint filed in the Western
 17 District of Washington in the case of *United States v. Wil Casey Floyd*, MJ17-169. The
 18 Complaint alleged that Wil Casey Floyd committed the offense of Unlawful Possession
 19 of Destructive Devices, in violation of Title 26, United States Code, Sections 5861(d) and
 20 5845(a)(8). The facts set forth in the Complaint explain the background of this
 21 investigation, and are hereby incorporated in this affidavit. The Complaint is attached as
 22 Exhibit 1.

23 On June 8, 2017, a federal grand jury returned a one-count Indictment in the case
 24 of *United States v. Wil Casey Floyd*, CR17-149RSM, alleging the same offense of
 25 Unlawful Possession of Destructive Devices.

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SUMMARY OF PROBABLE CAUSE

A. Interview of Wil Casey Floyd.

As described more fully in the attached Complaint, on April 20, 2017, I along with other investigators interviewed Wil Casey Floyd at the Denver International Airport. Floyd submitted to a voluntary interview and consented to audio and video record the interview. Floyd also read, acknowledged, and signed a Seattle Police Department “Explanation of Rights” form that contains standard *Miranda* rights.

As set forth in the Complaint, during the interview Floyd admitted, among other things, that: on May 1, 2016, he participated in manufacturing six Molotov cocktail devices at his apartment in Seattle; he brought the Molotov cocktails to the May Day protests during the afternoon and evening of May 1, 2016; and he threw five of the devices at police officers during the protests.

During the same interview, Floyd identified several other participants in the manufacture and possession of the Molotov cocktails.¹ Specifically, Floyd stated that three other people participated in making the Molotov cocktails: Taylor Jordan Brickner, Ashley Lynn Ward, and Floyd’s girlfriend, Bianca Danielle Velasco. Floyd also identified another person, Derek A. Zukoski, as having been present while the Molotov cocktails were manufactured and who witnessed the process. Floyd further stated that he personally gathered the gasoline, oil, beer bottles, tampons, and other items that were used to construct the Molotov cocktails. Floyd said his part in the actual construction of the Molotov cocktails consisted of inserting tampons into the necks of the beer bottles to function as wicks. According to Floyd, the other participants (Brickner, Ward, and Velasco) did the rest of the manufacturing of the Molotov cocktails.

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¹ This information was left out of the Complaint because it was not necessary to establish probable cause against Floyd, it would have publically revealed Floyd’s cooperation with law enforcement, and it would have alerted the other participants that they were under continuing investigation.

After interviewing Floyd on April 20, 2017, investigators gathered historical information and conducted further investigation in an effort to corroborate Floyd's information about the other participants who were involved in the manufacture and possession of the Molotov cocktails. The remainder of this affidavit summarizes corroborating evidence that Brickner, Ward, and Zukoski were involved, as Floyd stated.

B. Brickner's Facebook Posts about May Day 2016.

Investigators have identified Brickner's Facebook page as www.facebook.com/taylor.brickner.7.² Task Force Officer Rik Hall has reviewed the publically accessible portions of Brickner's Facebook page and identified several posts made by Brickner on May 1, 2016, confirming his presence and involvement in the May Day protest, consistent with the information provided by Wil Floyd. These posts included:

- A photograph of several people gathered for a rally at Westlake Park in downtown Seattle. Above the photograph Brickner wrote, "Solidarity music festival in Seattle is popping right now. Red and Black balloons, come party!"
- Brickner wrote: "Fucking cops stopped Seattle mayday immediately after it left the park, pepper sprayed us for literally no reason and have been tailing the march shooting concussion grenades since then, at least 1 arrest. Fuck spd"
- A link to an "Insurrection News" article entitled, "USA: Clashes and police brutality at #MayDay2016 in Seattle. #MayDaySea." The article featured photographs of a police blast ball in midair among a group of people marching, as well as three photographs of officers in riot gear clashing with and arresting protestors. Above the photograph, Brickner wrote, "Seattle anarchists don't play, but neither does Seattle police department."

² This is believed to be Bricker's Facebook page because it is in Brickner's own name and the page contains multiple photographs of the purported user that match Brickner's Washington State Department of Licensing photograph.

- Brickner also reposted a photograph from another Facebook page that depicted a female SPD officer tending to a male SPD officer who sustained a large, bloody laceration above his left eye, along with text that read, “It’s No Fun When They Fight Back.” Directly above the photograph, Brickner wrote, “Hahaha.”

C. Text Messages between Floyd and Brickner on May 1, 2016.

On April 28, 2017, agents arrested Wil Floyd on a federal arrest warrant issued along with the attached Complaint. At that time, Floyd continued his cooperation with investigators and, among other things, he provided verbal and written consent to search the contents of his Samsung Galaxy S6 smartphone.

TFO Hall subsequently reviewed the downloaded contents of the smartphone and located an SMS text message exchange on May 1, 2016, between Floyd and phone number (530) 867-6744, believed to be used by Taylor Brickner.³ This exchange took place in the hours before the May Day protest, and involved Floyd and Brickner communicating with each other in an effort to meet at Floyd’s Seattle apartment prior to the protest. The exchange included the following messages:

- Floyd: “What’s up comrade? This is Wil.”
- Brickner: “Hey...the parking lot bu such casa..what street is it on? We’re but to head out an..”
- Floyd: “Main & Maynard”
- Brickner: “Thanks homie. See you at the show?”
- Floyd: “Absolutely”
- Floyd: “Probably just meet up with y’all here and head on over together.”

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³ I believe Brickner is the user of telephone number (530) 867-6744 for two reasons. First, on Floyd’s smartphone, this phone number is listed as a contact under the name of “Taylor Brickner.” Second, a prior court-authorized search of Floyd’s Facebook page resulted in the recovery of a Facebook message sent from Brickner’s Facebook page (as described above) to Floyd informing Floyd that Bricker’s telephone number was (530) 867-6744.

1 This exchange is consistent with the information provided by Floyd on April 20,
 2 2017. Specifically, Floyd stated that Bricker and the other participants manufactured the
 3 Molotov cocktails at Floyd's apartment (i.e., Floyd's "casa") in Seattle prior to the May
 4 Day protest.

5 **D. Floyd's Facebook Messages about Brickner and Ward on May 1, 2016.**

6 On March 6, 2017, investigators obtained a search warrant in the King County
 7 Superior Court for Floyd's known Facebook account. The search resulted in the recovery
 8 of a direct message exchange on May 1, 2016, between Floyd and his girlfriend, Bianca
 9 Velasco (one of the other participants in manufacturing and possessing the Molotov
 10 cocktails). During this exchange, Velasco reminded Floyd to reach out to Brickner and
 11 Ashley Ward so they could all meet up prior to the May Day protests. Specifically, the
 12 exchange included:

- 13 • Velasco: "We need to debrief punkin⁴ taylor and important people on our
 14 meet up place."
- 15 • Floyd: "Yes. Absolutely."

16 This exchange occurred early in the day on May 1, 2016, prior to the above-
 17 referenced text messages between Floyd and Brickner during which they arranged to
 18 meet at Floyd's apartment.

19 **E. Zukoski's Facebook Posts about Floyd's Arrest by the FBI.**

20 As noted above, Floyd was arrested by the FBI on April 28, 2017. The arrest was
 21 widely publicized and was covered by numerous Seattle area news outlets. After Floyd's
 22 arrest, TFO Hall viewed the publically accessible portions of Derek Zukoski's Facebook
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 26 ⁴ I know that "Punkin" is a nickname often used by Ashley Ward. For example, Ward's Facebook moniker is
 27 "Punkin" and the Facebook page associated with this moniker is obviously used by Ward because, among other
 28 things, the posted photos of the purported user match Ward's Washington State Department of Licensing
 photograph.

1 page, www.facebook.com/magichands1312.⁵ On May 2, 2017, TFO saw an exchange
 2 between Zukoski and Facebook user “Tyler Dixon.” During this exchange, Zukoski
 3 discussed Floyd’s arrest and expressed relief that, as far as he knew, Floyd had not told
 4 the FBI about his (Zukoski’s) participation with the Molotov cocktails.

5 This exchange started with Zukoski reposting one of Floyd’s old Facebook posts
 6 from May 1, 2016. Floyd’s post depicted a graphic of a hand holding a flaming Molotov
 7 cocktail with the text, “THE RIOT IS ONE NIGHT...BUT METADATA LAST
 8 FOREVER.” Directly above Floyd’s post, Zukoski wrote, “The fucking irony tho.” The
 9 following exchange then ensued between Zukoski and “Tyler Dixon” in the comments
 10 section below the post:

- 11 • Tyler Dixon: “I seen this pic on his wall and someone said ‘have fun in
 12 Denver’ Top notch irony.”
- 13 • Zukoski: “Omfg”
- 14 • Tyler Dixon: “I’ll call him today since all the days are just one big glob of
 15 useless bullshit.”
- 16 • Zukoski: “Tell him i said i love him and thanks for not throwing a nigga
 17 under the fbi bus.”
- 18 • Tyler Dixon: “well don’t speak too soon lol.”

19 Zukoski’s comment about Floyd “not throwing a nigga under the fbi bus”
 20 (referring to his belief that Floyd had not told the FBI about Zukoski’s involvement)
 21 corroborates the information provided by Floyd that Zukoski was present during the
 22 manufacturing of the Molotov cocktails.
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 28 ⁵ This is believed to be Zukoski’s Facebook page because it contains multiple photographs of the purported user that
 match Zukoski’s Washington State Department of Licensing photograph.

1 **F. DNA and Latent Prints on Physical Evidence Collected on May 1, 2016.**

2 As discussed in the Complaint, various items of physical evidence were seized
3 following the May Day protest on May 1, 2016. On May 18, 2016, I submitted fifteen
4 items of physical evidence to the FBI Laboratory in Quantico, Virginia for various
5 forensic analysis.

6 On November 16, 2016, the FBI Laboratory located an unknown male DNA
7 profile on various pieces of the physical evidence: one of the shattered Molotov cocktails;
8 the ignition wheel and valve portion of a lighter located inside the black diaper bag; and
9 several gloves and other items clothing.

10 On February 1, 2017, the Latent Print Unit of the FBI Laboratory located an
11 unknown partial palm print on a piece of cardboard found inside the black diaper bag.
12 The cardboard was used as part of a homemade divider system that kept the Molotov
13 cocktails upright and prevented the liquid contents from spilling.

14 Therefore, based on the analysis of the FBI Laboratory, there is both male DNA
15 and latent fingerprint evidence on various items of physical evidence that can be
16 compared with the DNA and fingerprint samples being requested through this affidavit.

17 **G. Destructive Device Determination.**

18 On December 19, 2016, Supervisory Special Agent Bomb Technician (SSABT)
19 Christopher Rigopoulos of the FBI Laboratory Division, Explosives Unit inspected the
20 Molotov cocktail devices and remnants thereof that were recovered from the crime scene
21 on May 1, 2016. SSABT Rigopoulos certified that the submitted evidence items were the
22 disassembled remains of five Improvised Incendiary Devices ("IIDs"), more commonly
23 known as Molotov cocktails. Additionally, SSABT Rigopoulos determined that he IIDs
24 were "destructive devices" under federal law.

25 On January 9, 2017, ATF Special Agent Grant Brill confirmed that Floyd had not
26 registered any destructive devices as required under the National Firearms Act.

1 On May 10, 2017, ATF Special Agent Claudia Grigore confirmed that Brickner,
2 Ward, and Zukoski had not registered any destructive devices as required under the
3 National Firearms Act.

4 **INFORMATION ABOUT DNA AND FINGERPRINTS**

5 Based on my training and experience, I know that each human has his or her own
6 Deoxyribose Nucleic Acid (DNA) markers, and that, since the inception of the use of
7 DNA in forensic science, DNA analysis has been widely used. Humans may leave traces
8 of their DNA on objects in various forms, including, but not limited to, semen, sweat, and
9 blood. In addition, based on my training and experience, I know that crime laboratories
10 can identify the source of DNA obtained from a crime scene by the comparison of that
11 DNA to the DNA of persons from whom it may have originated.

12 Based on my training and experience, I know that DNA is typically collected from
13 a person by rubbing one or more long cotton swabs against the inner cheek. The swabs
14 are then preserved by being placed in a sterile container and sealed. If this search warrant
15 application is approved, I will follow these protocols by swabbing the inner cheeks of
16 Brickner and Zukoski with one or more long cotton swabs, provided to me in sterile
17 form. I will then place the cotton swabs in a sterile container, and seal the container. I
18 will then place the sterile container containing the swabs into another container that will
19 be sealed and sent to a forensic laboratory.

20 In order to obtain a comparison set of known fingerprints, the government requests
21 the opportunity to directly roll the subjects' fingerprints. This procedure will take
22 approximately five minutes, will not be intrusive at all, will cause no pain to the subjects,
23 and will confirm whether any latent finger or palm prints located on the physical
24 evidence match any of the subjects.

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FACEBOOK POLICIES AND PROCEDURES

Facebook owns and operates a free access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact email addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other

1 account settings that users can adjust to control, for example, the types of notifications
2 they receive from Facebook.

3 Facebook users can create profiles that include photographs, lists of personal
4 interests, and other information. Facebook users also can post “status” updates about
5 their whereabouts and actions, as well as links to videos, photographs, articles, and other
6 items available elsewhere on the Internet. Facebook users can also post information
7 about upcoming “events,” such as social occasions, by listing the event’s time, location,
8 host, and guest list. In addition, Facebook users can “check in” to particular locations or
9 add their geographic locations to their Facebook posts, thereby revealing their geographic
10 locations at particular dates and times. A particular user’s profile page also includes a
11 “Wall,” which is a space where the user and his or her “Friends” can post messages,
12 attachments, and links that will typically be visible to anyone who can view the user’s
13 profile.

14 Facebook has a Photos application, where users can upload an unlimited number
15 of albums and photos. Another feature of the Photos application is the ability to “tag”
16 (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or
17 video, he or she receives a notification of the tag and a link to see the photo or video. For
18 Facebook’s purposes, a user’s “Photoprint” includes all photos uploaded by that user that
19 have not been deleted, as well as all photos uploaded by any user that have that user
20 tagged in them.

21 Facebook users can exchange private messages on Facebook with other users.
22 These messages, which are similar to email messages, are sent to the recipient’s “Inbox”
23 on Facebook, which also stores copies of messages sent by the recipient, as well as other
24 information. Facebook users can also post comments on the Facebook profiles of other
25 users or on their own profiles; such comments are typically associated with a specific
26 posting or item on the profile. In addition, Facebook has a “Chat” feature that allows
27 users to send and receive instant messages through Facebook. These chat
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1 communications are stored in the chat history for the account. Facebook also has a Video
2 Calling feature, and although Facebook does not record the calls themselves, it does keep
3 records of the date of each call.

4 If a Facebook user does not want to interact with another user on Facebook, the
5 first user can “block” the second user from seeing his or her account.

6 Facebook has a “like” feature that allows users to give positive feedback or
7 connect to particular pages. Facebook users can “like” Facebook posts or updates, as
8 well as webpages or content on third party (i.e., non-Facebook) websites. Facebook users
9 can also become “fans” of particular Facebook pages.

10 Facebook has a search function that enables its users to search Facebook for
11 keywords, usernames, or pages, among other things.

12 Each Facebook account has an activity log, which is a list of the user’s posts and
13 other Facebook activities from the inception of the account to the present. The activity
14 log includes stories and photos that the user has been tagged in, as well as connections
15 made through the account, such as “liking” a Facebook page or adding someone as a
16 friend. The activity log is visible to the user but cannot be viewed by people who visit
17 the user’s Facebook page.

18 Facebook Notes is a blogging feature available to Facebook users, and it enables
19 users to write and post notes or personal web logs, i.e., “blogs,” or to import their blogs
20 from other services, such as Xanga, LiveJournal, and Blogger.

21 The Facebook Gifts feature allows users to send virtual “gifts” to their friends that
22 appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a
23 personalized message can be attached to each gift. Facebook users can also send each
24 other “pokes,” which are free and simply result in a notification to the recipient that he or
25 she has been “poked” by the sender.

26 Facebook also has a Marketplace feature, which allows users to post free classified
27 ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

1 In addition to the applications described above, Facebook also provides its users
2 with access to thousands of other applications on the Facebook platform. When a
3 Facebook user accesses or uses one of these applications, an update about that the user's
4 access or use of that application may appear on the user's profile page.

5 Facebook uses the term "Neoprint" to describe an expanded view of a given user
6 profile. The "Neoprint" for a given user can include the following information from the
7 user's profile: profile contact information; News Feed information; status updates; links
8 to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
9 including the friends' Facebook user identification numbers; groups and networks of
10 which the user is a member, including the groups' Facebook group identification
11 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
12 pokes; tags; and information about the user's access and use of Facebook applications.

13 Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
14 address. These logs may contain information about the actions taken by the user ID or IP
15 address on Facebook, including information about the type of action, the date and time of
16 the action, and the user ID and IP address associated with the action. For example, if a
17 user views a Facebook profile, that user's IP log would reflect the fact that the user
18 viewed the profile, and would show when and from what IP address the user did so.

19 Social networking providers like Facebook typically retain additional information
20 about their users' accounts, such as information about the length of service (including
21 start date), the types of service utilized, and the means and source of any payments
22 associated with the service (including any credit card or bank account number). In some
23 cases, Facebook users may communicate directly with Facebook about issues relating to
24 their accounts, such as technical problems, billing inquiries, or complaints from other
25 users. Social networking providers like Facebook typically retain records about such
26 communications, including records of contacts between the user and the provider's
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1 support services, as well as records of any actions taken by the provider or user as a result
2 of the communications.

3 Based on all of the above information, the computers of Facebook are likely to
4 contain all the material described above, including stored electronic communications and
5 information concerning subscribers and their use of Facebook, such as account access
6 information, transaction information, and other account information.

7 I anticipate executing this warrant under the Electronic Communications Privacy
8 Act, in particular, Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A) and
9 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government
10 copies of the records and other information (including the content of communications)
11 particularly described in Section I of Attachment B-1. Upon receipt of the information
12 described in Section I of Attachment B-1, government authorized persons will review
13 that information to locate the items described in Section II of Attachment B-1.

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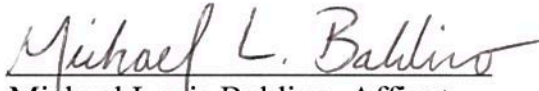
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CONCLUSION

Based upon the information set forth above, I respectfully submit that there is probable cause to believe that the Facebook pages to be searched, and the DNA and fingerprint evidence to be gathered, pursuant to this affidavit will contain evidence of the offense of Unlawful Possession of Destructive Devices, in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(8).

This warrant application is to be presented electronically pursuant to the Western District of Washington Local Criminal Rule CrR 41(d)(3).


Michael Louis Baldino, Affiant
Special Agent, FBI

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit on this 4th day of August, 2017.


THE HONORABLE BRIAN A. TSUCHIDA
United States Magistrate Judge